

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GEORGIA SOUTHWESTERN)
RAILROAD, INC., a Corporation,)
)
 Plaintiff,)
)
vs.) CASE NO. 2:06cv3-B
)
AMERICUS C. MITCHELL, JR.,)
an Individual,)
)
 Defendant.)

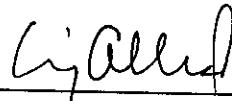
**MOTION FOR LEAVE OF COURT TO PERMIT
ADDITIONAL LIMITED DISCOVERY**

NOW COMES A. C. MITCHELL, JR., defendant herein, and moves the Court for permission to conduct additional limited discovery and, for reason, this defendant states as follows:

- 1) That the plaintiff's claims for damage to the subject railroad trestle are unusual and unique and this defendant is in need of the requested documents in order to properly prepare his defense regarding the value of the trestle.
- 2) That this defendant was not produced a copy of the "Lease and Option To Purchase Agreement" which is the subject of these requests until the filing of plaintiff's response to this defendant's motion for summary judgment on October 4th, 2006, which was five days after the tolling of the discovery deadline imposed in this Court's Scheduling Order.

3) The defendant would further show unto the Court that the requested documents should be readily available in the plaintiff's files and production of these documents should not present an undue burden, expense, or delay these proceedings.

WHEREFORE, THE PREMISES CONSIDERED, defendant respectfully requests that the Court permit the additional limited requested discovery in the interest of justice.



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OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of October, 2006 filed the foregoing *Motion for Leave of Court to Permit Additional Limited Discovery* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

Adrian D. Johnson, Esq.
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Post Office Box 2189
Montgomery, Alabama 36102-2189

Adrian D. Johnson
OF COUNSEL